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General
Communication
Incorporated

September 30, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

HAND DELIVERY

Mr. Richard Welch
Chief, Policy and Program
Planning Division
Federal Communications Commission
1919 M St., NW
Room 544
Washington, DC 20554

Re: Interpretation of Communications Act and
First Report and Order, CC Docket 96-98

Dear Mr. Welch:

General Communication, Inc. (GCI) seeks guidance¹ from the Commission regarding the obligation of Incumbent Local Exchange Carriers (ILECs) under 251(c)(6) of the Act. Anchorage Telephone Utility (ATU), an ILEC has indicated to GCI that space limitations will preclude the location of GCI facilities within certain central offices. For this reason, GCI developed an alternative collocation involving the placement of a GCI equipment shelter adjacent to the ATU central offices at issue. ATU has refused this form of interconnection on the grounds that it does not comply with the Act.

Pursuant to section 251(c)(6), ILECs are obligated to provide

physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of

¹"The Commission also stands ready to provide guidance to states and other parties regarding the statute and our rules." First Report and Order, paragraph 125.

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space limitations.²

On March 15, 1996, GCI served upon ATU a request for negotiations pursuant to Section 251 and 252 of the Act. GCI requested to negotiate the issue of price, terms and conditions for all obligations under 251(b) and (c), including collocation. During the negotiation process, ATU furnished to GCI information relating to the physical interconnection of the networks at ATU's wire center, including an inventory of the availability of interior space, entrance facilities and power at the wire centers. ATU has taken the position that there are interior space limitations or code compliance problems that preclude the collocation of GCI switching equipment within all ATU wire centers,³ that there possibly are space limitations that preclude the installation of adequate main distribution frame facilities in the South and East wire centers and that there are space limitations that preclude the availability of adequate entrance facilities into the East, Elmendorf, Ft. Rich and Hope wire centers.

In order to resolve the interior space and entrance facility problems, GCI proposed collocation through the use of GCI modularized remote switches, placed immediately adjacent to the ATU central offices on ATU property, with access through the structure to the Main Distribution Frame (MDF).⁴ This arrangement would constitute collocation at the premises of ATU under Section 251(c)(6).⁵ This arrangement is necessary because properly zoned property which is also accessible to ATU entrance facilities is not in many cases available adjacent to ATU wire centers. If GCI is required to remove its facilities a substantial distance from ATU's wire centers to an appropriate piece of property, loop lengths become a problem. ATU's loops are longer on average than those generally available from Bell Operating Companies. Some services, such as switched 56 kbps, Centrex and ISDN, are already marginal or unavailable due to excessive loop lengths. Provisioning lengthy cable to interconnect from ATU's wire center to GCI's would exacerbate this problem and would put GCI at a competitive disadvantage. By

²Section 251(c)(6).

³Except East and North

⁴The Commission has determined that premises of the LEC should include central offices, serving wire centers, tandem offices, buildings or similar structures owned or leased by the incumbent LEC that house network facilities, vaults containing loop concentrators or similar structures. First Report and Order, paragraph 573. As you can see from Attachment A, ATU is placing identical structures in parking lots in Anchorage.

⁵There is plenty of space available in these parking lots.

allowing this type of collocation, the percentage of inaccessible loops drops dramatically. As noted, ATU has stated that such an arrangement is not required by the Act.

In the First Report and Order, the Commission adopted standards for the provisioning of collocation by ILECs to requesting telecommunications carriers. Pursuant to 51.323(d), an ILEC must provide an interconnection point "as close as reasonably possible to its premises."⁶ An ILEC must make space available "within or on its premises to requesting telecommunications carriers . . . provided, however, that the incumbent LEC shall not be required to lease or construct additional space to provide for physical collocation when existing space has been exhausted."⁷ GCI has proposed placement of their modularized remote switches in the parking lot of ATU. The proposal obviously is "on the premises" of ATU and does not require ATU to lease or construct additional space. In the First Report and Order, the Commission stated that the word premises should be interpreted broadly.⁸

GCI requests that the Commission determine that its proposed solution for collocation be verified as consistent with the statute and Commission's rules.

Sincerely,



Kathy L. Shobert
Director, Federal Affairs

cc: Chairman Reed E. Hundt
Commissioner Rachelle B. Chong
Commissioner James H. Quello
Commissioner Susan Ness
Regina Kenney

⁶51.323(d)(1).

⁷51.323(f)(1).

⁸First Report and Order, paragraph 573.

ATTACHMENT A

**ANCHORAGE DAILY NEWS
September 18, 1996
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ATU improves its network



BILL ROTH / Anchorage Daily News

ATU Telecommunications Inc. contractors install a telephone switching station Monday in a 15-foot-deep trench in the parking lot of Clark Junior High. The \$250,000 switching center, which will serve Mountain View customers, is expected to be in operation by the end of the year. The switching equipment is encased in a concrete vault. The center was installed to replace copper-wire lines with more-efficient fiber-optic cables that can carry more information, ATU spokesman Ed Bennett said. ATU planned to install a similar switching unit Tuesday at Bragaw Street and Tudor Road, near the new Alaska Native